

Excerpts from the Application and Department File

- DEP correspondence
 - Letter to R. Cayer from R. Clukey (March 23, 2007)
 - Letter to R. Cayer from R Clukey (May 10, 2007)
 - Letter to R. Cayer from J. Madore (July 12, 2006)



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

March 23, 2007

Richard Cayer
245 Lakeshore Road
Madawaska

Re: Natural Resources Protection Act Application
Boat Ramp-Long Lake
Madawaska, Maine
DEP #L-23564-2B-A-N

Dear Mr. Cayer:

The Department has conducted a completeness review of your application and found it to be complete for processing. Your application has been assigned DEP File #L-23564-2B-A-N. Please refer to this number in any future correspondence.

The proposed project is now being examined to determine whether it meets the Natural Resource Protect Act Standards in 38 M.S.R.A. §480-D and Chapter 310 Standards. Acceptance of the application does not preclude the Department from requesting additional information during processing. Please note that applicants applying for private boat ramps in the past have been unable to demonstrate compliance with the Standards based on the existence of a practicable alternative that results in less environmental damage. The project's contribution to cumulative loss of habitat and impacts to water quality is also considered.

Please feel free to call me at (207) 941-4348 if you have any questions regarding this project.

Sincerely,

Robin Clukey
Division of Land Resource Regulation
Land and Water Bureau, DEP
106 Hogan Road
Bangor, ME 04401
(207) 941-4348

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7626
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCIO
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

CERTIFIED MAIL: 7006 0810 000 07600 9237

May 10, 2007

Richard Cayer
245 Lakeshore Drive
St. David, ME 04773

Re: DEP application L-23465-2B-A-N, application for a private boat ramp

Dear Mr. Cayer;

Your application for a Natural Resources Protection Act (NRPA) permit has been reviewed by the Department, and unfortunately we anticipate denying the application. This decision is based on;

1. The existence of a practicable alternative that would result in less environmental damage;
2. The unreasonable impact to existing scenic, aesthetic, recreational and navigational uses.

The project's contribution to cumulative loss of habitat and impacts to water quality were also considered. This means that your project does not meet the standards of the NRPA, Chapter 310 (Wetland and Waterbodies Protection). The Department's determination is that the proposed project results in impacts that cannot be mitigated.

I am notifying you now of our impending denial and options available:

1. The application may be withdrawn. The licensing fee associated with your application would be returned or;
2. The Department will proceed with the denial of the application and the decision may be appealed to the Board of Environmental Protection within 30 days of receiving the decision. I have included a copy of your rights of appeal with this letter.

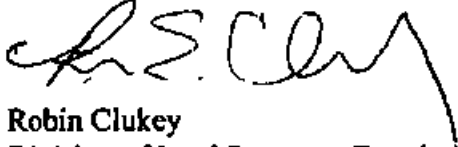
AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7698 FAX: (207) 287-7934
RAY BLDG., HOSPITAL ST.
BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

If a letter of withdrawal is not received by May 21, 2007, the Department will proceed to a decision by approximately June 1, 2007. By request of interested parties, a draft version of the decision will be forwarded to you. Please call or email me using the information below if you have any questions regarding this notification or the project.

Sincerely,



Robin Clukey
Division of Land Resource Regulation
Land and Water Bureau, DEP
106 Hogan Road
Bangor, ME 04401
(207) 941-4348
robin.clukey@maine.gov

Cc:

Mr. Robert Deschene 432 Clavette Ave. Madawaska, ME 04756
Mr. David Rouleau, c/o Eaton-Peabody, Kelly Disley POB 1210 Bangor, ME 04401
Ms. Helen Morin c/o Bob Bellefleur, Esq 324 Main St Madawaska, ME 04756
Ms. Amanda Meader, Esq. Bernstein Shur PO Box 5057 Augusta, ME 04330-5057



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACC
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

July 12, 2006

Richard Cayer
245 Lakeshore Drive
St. David, ME 04773

Dear Mr. Cayer;

This letter is in response to your letter to the Department dated July 5, 2006 in response to the Department's letter of June 28, 2006. I will attempt to address your concerns individually under the following headings;

1. Freedom of Information Act request; Your letter and Department correspondence were forwarded to Hetty Richardson in our Augusta office as part of this process. If you have not already, you will receive a letter from her shortly outlining that process.
2. The third paragraph of your letter states; "Your determination that, 'the board will not be able grant a waiver as you requested', is not your responsibility and denies me of my rights."

Under the Department's Wetlands and Waterbodies Protection Rules, Chapter 310, it is the Department's responsibility to assess whether a project may be eligible for Tier 1 or 2 review for projects involving the alteration of wetlands of special significance, which in this case is Long Lake. Robin Clukey of my staff was the staff person responsible for making that determination. Based on her on site assessment, she determined that a waiver was not appropriate.

3. Review by the Board of Environmental Protection. The Department is responsible for processing any application for alterations involving protected natural resources under the Natural Resources Protection Act unless the Board of Environmental Protection assumes jurisdiction over an application. Upon issuance of a permit by the Department, an applicant or other aggrieved party has the opportunity to appeal a Department decision to the Board of Environmental Protection. The Department does not currently have an application pending for your proposed project.

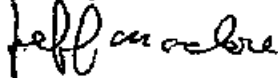
Ms. Clukey visited your proposed boat launch site on June 8, 2006 to assess your proposal and to provide you with the necessary information regarding the licensing

AUGUSTA 17 STATE HOUSE STATION AUGUSTA, MAINE 04333-0017 (207) 267-7688 FAX: (207) 287-7826 RAY BLDG., HOSPITAL ST.	BANGOR 106 HOGAN ROAD BANGOR, MAINE 04401 (207) 941-4570 FAX: (207) 941-4584	PORTLAND 312 CANCO ROAD PORTLAND, MAINE 04103 (207) 822-6300 FAX: (207) 822-6303	PRESQUE ISLE 1235 CENTRAL DRIVE, SKYWAY PARK PRESQUE ISLE, MAINE 04769-2094 (207) 764-0477 FAX: (207) 760-3143
---	---	---	---

process. At that meeting and in telephone conversations, Ms. Clukey was upfront and clear with you that private boat launches, particularly those that do not have deeded access rights for public use and where there are other public access launches on the lake, are unlikely to be approved. However as Ms. Clukey indicated, you may, of course, apply for a permit for the activity.

If you have further questions, or require additional assistance, please contact Ms. Clukey by mail, phone at 941-4348 or by email at robin.clukey@maine.gov.

Sincerely,



Jeff Madore, Director
Division of Land Resource Regulation

Cc; Robin Clukey, EMRO
Marc Russell, NMRO

2005 JUL 13 A 8:52

D.E.P. - BANGOR OFFICE